

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN FRANCISCO BAY REGION

ORDER NO. 94-119

ORDER SETTING ADMINISTRATIVE CIVIL LIABILITY

PEERY/ARILLAGA
1098 ALTA AVENUE
MOUNTAIN VIEW, SANTA CLARA COUNTY

The California Regional Water Quality Control Board, San Francisco Bay region (hereinafter called the Board) finds that:


1. On January 17, 1992, the Executive Officer issued Cleanup and Abatement Order (CAO) No. 92-004 to Peery/Arrillaga for the property at 1098 Alta Ave in Mountain View. On December 8, 1992 the Executive Officer amended the CAO. The CAO and its amendment found that 1098 Alta Avenue is a source of pollutants and ordered Peery/Arillaga (hereinafter discharger) to fully characterize the extent of contamination in the shallow and intermediate groundwater zones, and implement mitigation at the site. Task 4 of the CAO requires the discharger to submit a workplan and time schedule to mitigate identified contamination within 30 days after a request made by the Executive Officer. The Executive Officer requested on August 31, 1993 that a workplan for this task be submitted by September 30, 1993.
2. The Executive Officer issued Complaint No. 94-077 to the discharger on July 22, 1994. The discharger was in violation of task 4 of the CAO for 273 days as of July 1, 1994. The Complaint proposed that administrative civil liability be imposed by the Regional Board in the amount of \$60,000 in penalties pursuant to Section 13350 of the California Water Code. This amount was for violation days up to July 1, 1994, and included \$5,400 for recovery of staff costs.
3. On September 1, 1994 the discharger submitted a conditionally acceptable workplan for installing an onsite groundwater remediation system.
4. This Order imposes administrative civil liability of \$72,200 of which \$5,400 is for recovery of staff costs. The increase in penalty compared to the amount recommended in the Complaint, accounts for the additional 61 days of violation from July 1, 1994 to September 1, 1994, when a complete workplan was submitted.
5. The Board has considered the factors set forth for determination of the amount of civil liability set forth in Water Code Section 13327.
6. This action is an Order to enforce the laws and regulations administered by the Board.

This action is categorically exempt from the provisions of CEQA pursuant to Section 15321 of the Resources Agency Guidelines.

7. The Board has notified the discharger and interested agencies and persons of its intent under California Water Code Section 13350 to prescribe Administrative Civil Liability for the discharger and has provided them with the opportunity for a public hearing and an opportunity to submit their written views and recommendations.
8. On September 21, 1994, the Board conducted a public hearing at which the discharger appeared and evidence was received concerning the discharger.

IT IS HEREBY ORDERED, PURSUANT TO WATER CODE SECTION 13350, that Peery/Arrillaga is civilly liable for this violation and shall pay administrative civil liability in the amount of \$72,200. The liability shall be paid to the State Water Pollution Cleanup and Abatement Account within 30 days of the date of this Order.

I, Steven R. Ritchie, Executive Officer, do hereby certify the forgoing is a full, true and correct copy of an Order adopted by the California Regional Water Quality Control Board, San Francisco Bay Region On September 21, 1994.



STEVEN R. RITCHIE
EXECUTIVE OFFICER